

John K. Diviney (JKD-6836)  
Alan B. Pearl & Associates, P.C.  
*Attorneys for Defendant*  
6800 Jericho Turnpike, Suite 218(E)  
Syosset, New York 11791  
Tel. No.: (516) 921-6645  
Fax No.: (516) 921-6774

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE ANNUITY, WELFARE, APPRENTICESHIP  
SKILL IMPROVEMENT & SAFETY FUNDS of the  
INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 15, 15A, 15C AND 15D,  
AFL-CIO, et al.

Plaintiffs,

- against-

BAUMANN & SONS BUSES, INC.,

Defendant.

No. 07-CIV-6547 (GBD)  
**Filed via ECF**

**ANSWER**

Defendant, BAUMANN & SONS BUSES, INC., by its attorneys, Alan B. Pearl & Associates, P.C., as and for its Answer to the Plaintiffs' Complaint, states as follows:

1. Denies each and every allegation contained in paragraph "1" of Plaintiffs' Complaint.
2. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "2" of Plaintiffs' Complaint.
3. Admits the allegations contained in paragraph "3" of Plaintiffs' Complaint.
4. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph "4" of Plaintiffs' Complaint.

5. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “5” of Plaintiffs’ Complaint.

6. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “6” of Plaintiffs’ Complaint.

7. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “7” of Plaintiffs’ Complaint.

8. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “8” of Plaintiffs’ Complaint.

9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “9” of Plaintiffs’ Complaint.

10. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph “10” of Plaintiffs’ Complaint.

11. Admits the allegations contained in paragraph “11” of Plaintiffs’ Complaint.

12. Denies each and every allegation contained in paragraph “12” of Plaintiffs’ Complaint.

13. Denies each and every allegation contained in paragraph “13” of Plaintiffs’ Complaint.

14. Neither admits nor denies the allegations contained in paragraph “14” of Plaintiffs’ Complaint. No response is required to conclusions of law.

AS AND FOR A FIRST CAUSE OF ACTION

15. Defendant repeats, reiterates and realleges each and every answer to the allegations contained in paragraphs “1” through “14” with the same force and effect as if set forth at length herein.

16. Neither admits nor denies the allegations contained in paragraph “16” of Plaintiffs’ Complaint, but respectfully refers the Court to the document for its legal force and effect.

17. Neither admits nor denies the allegations contained in paragraph “17” of Plaintiffs’ Complaint, but respectfully refers the Court to the document for its legal force and effect.

18. Denies each and every allegation contained in paragraph “18” of Plaintiffs’ Complaint.

19. Denies each and every allegation contained in paragraph “19” of Plaintiffs’ Complaint.

20. Denies each and every allegation contained in paragraph “20” of Plaintiffs’ Complaint.

21. Denies each and every allegation contained in paragraph “18” of Plaintiffs’ Complaint.

22. Denies each and every allegation contained in paragraph “19” of Plaintiffs’ Complaint.

23. Denies each and every allegation contained in paragraph “20” of Plaintiffs’ Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

24. Defendant repeats, reiterates and realleges each and every answer to the allegations contained in paragraphs “1” through “24” with the same force and effect as if set forth at length herein.

25. Denies each and every allegation contained in paragraph "25" of Plaintiffs' Complaint.

26. Neither admits nor denies the allegations contained in paragraph "26" of Plaintiffs' Complaint, but respectfully refers the Court to the document for its legal force and effect. Defendant states that no response is required to conclusions of law.

27. Denies each and every allegation contained in paragraph "27" of Plaintiffs' Complaint.

28. Neither admits nor denies the allegations contained in paragraph "28" of Plaintiffs' Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

29. The Defendant submitted the required contributions for covered employees for the period in question. No further sums are due Plaintiffs.

**WHEREFORE**, Defendant demands judgment dismissing the Plaintiffs' Complaint, together with the costs and disbursements of this action.

Dated: Syosset, New York  
August 20, 2007

ALAN B. PEARL & ASSOCIATES

/s/

By: \_\_\_\_\_  
John K. Diviney (JKD-6836)  
*Attorneys for Defendant*  
6800 Jericho Turnpike, Suite 218E  
Syosset, New York 11791  
(516) 921-3400

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the Defendant's Answer and Rule 7.1 Corporate Disclosure Statement in this action, The Annuity, Welfare, Apprenticeship Skill Improvement & Safety Funds of the International Union of Operating Engineers Local 15, 15A, 15C and 15D, et al. v. Baumann & Sons Buses, Inc., Case No.: 07-CV-6547 (GBD), has been served via First Class Mail upon:

James M. Steinberg, Esq.  
Brady McGuire & Steinberg, P.C.  
*Attorneys for Plaintiffs*  
603 Warburton Avenue  
Hastings-on-Hudson, New York 10706

Dated: Syosset, New York  
August 20, 2007

/s/

---

GINA M. IANNE (GMI-8897)